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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,230	09/14/2000	Hideo Ando	04329.2387	3095

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EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,230

Applicant(s)

ANDO ET AL.

Examiner

James A. Fletcher

Art Unit

2615

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-6, and 15-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,5,6 and 15-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-6, and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Tada (5,982,980).

Regarding claim 1, Tada discloses an information storage medium for recording audio information and still image information, the information storage medium being configured to record:

- one or more music reproduction units for reproducing the audio information (Col 1, lines 39-43 “a music piece data file for storing plural music piece data, and which reads out a designated music piece data from the music piece data file and executes a performance of a karaoke music piece”); and
- set information for setting one or more pieces of the still image information to represent contents of the music reproduction unit (Col 1, lines 54-55 “an index file which designates a music piece data and a picture sequence data which correspond to a music piece”)
- wherein the set information is provided for at least one of the music reproduction units, and a specific one of the pieces of the still image information configured to be displayed first in the music reproduction unit is

set as a representative still image of the contents of the music reproduction unit (Col 9, lines 23-25 "the initial still picture is displayed so as to be superimposed on a title still picture showing the title of a music piece").

Regarding claim 3, Tada discloses an information storage medium for recording audio, still image, and management information including one or more reproduction sequences for reproducing the audio information, wherein, in at least one of the reproduction sequences, the still image information is configured to be displayed at the same time when the audio information is reproduced (Col 1, lines 59-65 "picture synthesizing means for, in parallel with a performance of the karaoke music piece, reading a picture designating data from the selected picture sequence data... thereby producing a display still picture data, and supplying the display still picture data to a monitor"), the medium being configured to record:

- information for specifying or designating one or more pieces of the still image information to represent contents of the reproduction sequence in which the still image information is to be displayed (Col 1, lines 54-55 "index file which designates a music piece data and a picture sequence data which correspond to a music piece")
- wherein, in a case where the still image information is configured to be displayed at the same time when the audio information is reproduced in accordance with the reproduction sequence, a specific one of the pieces of the still image information configured to be displayed first is set as a representative still image of the contents of the reproduction sequence (Col 9,

lines 23-25 "the initial still picture is displayed so as to be superimposed on a title still picture showing the title of a music piece").

Regarding claim 5, Tada discloses a method for setting a representative image, selected from one or more pieces of still image information, wherein the setting method uses an information storage medium for recording audio information, still image information, and management information indicative of a reproduction relationship between the audio information and the still image information (Col 2, lines 40-47 "the music piece data file for storing plural music piece data; the picture storing means for storing plural background still picture data and foreground still picture data; the picture sequence data storing means for storing plural picture sequence data in correspondence with the plural music piece data; and the index file which designates a music piece data and a picture sequence data in correspondence with a karaoke music piece"), comprising:

- providing one or more music reproduction units for reproducing the audio information which includes first audio information managed in the music reproduction unit (Col 2, lines 47-50 "When a karaoke performance music piece is designated, a music piece data designated in the index file is read out from the music piece data file");
- dividing the first audio information managed in the music reproduction unit into second audio information and third audio information (Col 4, lines 1-3 "The switching display is conducted on the basis of a BGP [Back Ground Picture] script data which is a picture sequence data" and lines 8-10 "The

display still picture data is switched to another one in accordance with the progress of the music piece"); and

- recording, in the management information, a specific one piece of the still image information being coincident with the representative image of contents of the first audio information before being divided, as a representative image of contents of the second audio information and as a representative image of contents of the third audio information (Col 9, lines 23-25 "the initial still picture is displayed so as to be superimposed on a title still picture showing the title of a music piece"),
- wherein the second and third audio information can be used to reproduce music corresponding to the first audio information (Col 5, lines 26-30 "During the karaoke performance, the character display unit 23 generates character patterns of a title of a music piece, words, and the like, based on a character data read out from the music piece data").

Regarding claim 6, Tada discloses a method for setting a representative image selected from one or more pieces of still image information, wherein the setting method uses an information storage medium for recording audio information, still image information, and management information indicative of a reproduction relationship between the audio information and the still image information (Col 9, lines 23-25 "the initial still picture is displayed so as to be superimposed on a title still picture showing the title of a music piece") comprising:

- providing one or more music reproduction units for reproducing the audio information which includes fourth audio information and fifth audio information managed in the one or more music reproduction units (Col 6, lines 20-24 “Each of the tracks ranging from the musical-tone track to the effect control track is configured by sequence data consisting of plural event data and duration data Δt respectively indicating time periods between the events”);
- combining the fourth audio information and the fifth audio information to form sixth audio information reproduced in the first reproduction unit (Col 2, lines 40-50 “the music piece data file for storing plural music piece data; the picture storing means for storing plural background still picture data and foreground still picture data; the picture sequence data storing means for storing plural picture sequence data in correspondence with the plural music piece data; and the index file which designates a music piece data and a picture sequence data in correspondence with a karaoke music piece. When a karaoke performance music piece is designated, a music piece data designated in the index file is read out from the music piece data file, and a karaoke performance is then executed”); and
- recording in the management information, the representative image of contents of earlier-reproduced audio information, as a representative image of contents of the sixth audio information, wherein the earlier-reproduced audio information indicates one of the fourth audio information before combining and the fifth audio information before combining, which one is reproduced

earlier than the other after being combined (Col 1, line 66 - Col 2, line 4 “a karaoke apparatus which stores plural music piece data respectively corresponding to music pieces, each of the music piece data including a genre data and a performance sequence data of a corresponding music piece, and which executes a performance of a karaoke music piece by reading out a designated music piece data”), and

- wherein the sixth audio information can be used to reproduce music corresponding to the fourth and fifth audio information (Col 6, lines 20-24 “Each of the tracks ranging from the musical-tone track to the effect control track is configured by sequence data consisting of plural event data and duration data Δt respectively indicating time periods between the events”).

Regarding claim 15, Tada discloses a method for reproducing music information from an information storage medium which records audio information associated with a representative image (Col 1, lines 54-55 “an index file which designates a music piece data and a picture sequence data which correspond to a music piece”), one or more pieces of still image information including the representative image (Col 2, lines 23-28 “reading a picture designating data from the selected picture sequence data, combining a background still picture data and a foreground still picture data which are designated by the picture designating data, thereby producing a display still picture data”), and management information including program chain information indicating a sequence of reproduction of the audio information (Col 2, lines 2-3 “performance sequence data of a corresponding music piece”), the reproducing method comprising:

- reproducing the program chain information to search for the representative image (Col 2, lines 45-47 “the index file which designates a music piece data and a picture sequence data in correspondence with a karaoke music piece”); and
- reproducing the audio information corresponding to the searched representative image (Col 2, lines 47-50 “When a karaoke performance music piece is designated, a music piece data designated in the index file is read out from the music piece data file, and a karaoke performance is then executed”).

Regarding claims 16-17 and 20-21, Tada discloses a method and apparatus for reproducing the audio information and the still information from the medium of claims 1 and 3 (Col 2, lines 50-55 “In parallel with the performance of the karaoke music piece, a display still picture data which is produced by combining a background still picture data and a foreground still picture data on the basis of the picture sequence data designated in the index file is displayed on the monitor”).

Regarding claims 18 and 19, Tada discloses a method for recording management information with respect to the still image information of the representative still image on the medium of claims 1 and 3 (Col 2, lines 5-10 “picture storing means for storing plural background still picture data...in which plural picture designating data are arranged in time series, in correspondence with the plural music piece data”).

Regarding claims 22 and 23, Tada discloses an apparatus for recording the audio information and the still image information on the medium of claims 1 and 3 (Col

Art Unit: 2615

2, lines 5-10 "picture storing means for storing plural background still picture data...in which plural picture designating data are arranged in time series, in correspondence with the plural music piece data").

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

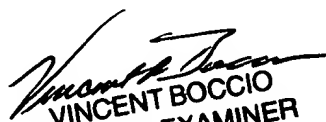
or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
May 6, 2004


VINCENT BOCCIO
PRIMARY EXAMINER